REMARKS

Formal Matters

Claims 8-25 are pending.

Claims 8-25 were examined and rejected. No claims were allowed.

The claims are not amended.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection of claims under 35 U.S.C. § 103(a)

Claims 8-19, 21 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kauffman in view of Rayner, Gonda and Scott. The Applicants respectfully traverse this rejection.

In a nutshell, the Office argues that Kauffman's cell screening methods, in combination with Rayner's retroviral vector, Gonda's peptide having a N-terminal glycine and Scott's "short" random peptides, render the rejected claims obvious.

Key to this rejection is the replacement of the "long" random polypeptides in Kaufmann's methods with Scott's "short" random peptides.

The Examiner argues that one of skill in the art would be motivated to use short random peptides in Kauffman's methods simply because "Scott emphasizes new approaches for such techniques in order to find ligands that serve as leads for pharmaceutical development purposes". See p. 5, lines 9-12, of the Office Action.

The Applicants submit that the Examiner's statement falls well short of pointing to any suggestion to express short random peptides in cells in the manner described in Kauffman. What are the "new approaches" and "techniques" in Scott to which the Examiner refers? Since Scott is completely void of any description of a method that includes phenotypic screening of cells, it is completely unclear how Scott could possibly motivate one of skill in the art use short random peptides in such a method.

Since the "motivation" aspect of this rejection is deficient, a *prima facie* case of obviousness has not been established.

In view of the foregoing discussion, this rejection may be withdrawn.

Claims 8, 19 and 20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kauffman in view of Rayner, Gonda, Scott and Garcia-Bustos. The Office argues that Kauffman's cell screening

methods, in combination with Rayner's retroviral vector, Gonda's peptide having a N-terminal glycine, Scott's "short" random peptides and Garcia-Bustos' nuclear localization sequence, renders the rejected claims obvious.

For the same reasons as set forth above, the Applicants submit that this rejection is deficient for providing inadequate motivation to combine the cited references.

In other words, Garcia-Bustos' nuclear localization sequence fails to remedy the key deficiency outlined above, and, as such, a *prima facie* case of obviousness has not been established.

In view of the foregoing discussion, the Applicants respectfully request withdrawal of this rejection.

Claims 23-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kauffman in view of Rayner, Gonda, Scott and Abbas. The Office argues that Kauffman's cell screening methods, in combination with Rayner's retroviral vector, Gonda's peptide having a N-terminal glycine and Abbas's B and T cell phenotypes, render the rejected claims obvious. The Applicants respectfully traverse this rejection.

For the same reasons as set forth above, the Applicants submit that this rejection is deficient for providing inadequate motivation to combine the cited references.

In other words, Abbas' B and T cell phenotypes fail to remedy the key deficiency outlined above, and, as such, a *prima facie* case of obviousness has not been established.

In view of the foregoing discussion, the Applicants respectfully request withdrawal of this rejection.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number RIGL-005CON.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: Jan. 19, 2006

By: James S Keddie
James S. Keddie, Ph.D.
Registration No. 48,920

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Circle, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\RIGL (Rigel)\005CON\response to OA of November 21, 2005.doc